



1997 SENATE BILL 428

February 3, 1998 - Introduced by Senators MOEN, SCHULTZ, DARLING, WEEDEN, HUELSMAN and BRESKE, cosponsored by Representatives KAUFERT, ALBERS, JENSEN, HUBER, WALKER, LADWIG, F. LASEE, OURADA, FREESE, LINTON, OWENS, BRANDEMUEHL, GOETSCH, HARSORF, VRAKAS, PORTER, KELSO, DUFF, CULLEN, HAHN, OLSEN, POWERS, HUBLER and WASSERMAN. Referred to Committee on Economic Development, Housing and Government Operations.

- 1 **AN ACT to repeal and recreate** 565.30 (6) of the statutes; **relating to:** the
2 assignment of lottery prizes and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the right of any person to a lottery prize may not be assigned. This bill establishes a process through which a person may make a voluntary assignment of a lottery prize or part of a lottery prize pursuant to a court order. Under the bill, a person who intends to voluntarily assign part or all of a lottery prize must petition the circuit court of the county in which he or she resides or the circuit court of Dane County for a court order confirming the assignment. The circuit court is required to issue an order confirming the assignment only if all of the following conditions are satisfied:

1. The person is represented by independent legal counsel.
2. A copy of the assignment is attached to the petition.
3. The assignment is in writing, is executed by the person and is subject to the laws of this state.
4. The person attests that he or she is of sound mind, is not acting under duress and acknowledges that the state will not make any of the assigned lottery prize payments or parts of lottery prize payments to him or her.
5. The person provides the court with an accounting of all claims to, or judgments, liens, security interests, garnishments, assignments or attachments against, all or any part of the lottery prize payments.
6. The assignment does not include the amounts of any withholdings otherwise required to be withheld by law.

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If the court issues an order confirming the assignment, the person must submit a certified copy of the court order to the administrator of the lottery division in the department of revenue and the administrator is required to make all lottery prize payments pursuant to the terms of the court order. Under the bill, the administrator is authorized to charge an initial processing fee, in an amount determined by administrative rule, to cover any costs associated with processing the lottery prize payments in accordance with the assignment.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 565.30 (6) of the statutes is repealed and recreated to read:

2 565.30 (6) VOLUNTARY ASSIGNMENT OF LOTTERY PRIZE. (a) *Definition.* In this
3 subsection, “assignor” means a lottery prizewinner or a person who has the right to
4 assign all or part of a lottery prize.

5 (b) *Voluntary assignment.* An assignor may make a voluntary assignment of
6 a lottery prize or part of a lottery prize only pursuant to a court order issued under
7 this subsection.

8 (c) *Judicial process for assignment.* Any assignor who intends to voluntarily
9 assign part or all of a lottery prize to any individual or organization shall petition the
10 circuit court of the county in which the assignor resides or the circuit court of Dane
11 County for a court order confirming the assignment. The circuit court of the county
12 in which the assignor resides or the circuit court of Dane County shall issue an order
13 confirming the assignment only if all of the following occur:

14 1. The assignor is represented by independent legal counsel.

15 2. A copy of the assignment is attached to the petition.

16 3. The assignment is in writing, is executed by the assignor and is subject to
17 the laws of this state.

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1 4. The assignor attests, by sworn affidavit, that he or she is of sound mind, is
2 not acting under duress and acknowledges that the state will not make any of the
3 assigned lottery prize payments or parts of lottery prize payments to the assignor.

4 5. The assignor, by sworn affidavit, provides the court with an accounting of all
5 claims to, or judgments, liens, security interests, garnishments, assignments or
6 attachments against, all or any part of the lottery prize payments.

7 6. The assignment does not include the amounts of any withholdings specified
8 under sub. (4), (5) or (5m) or s. 565.37 (5r).

9 (d) *Contents of court order.* A court order issued under par. (c) shall include all
10 of the following:

11 1. The name of the prizewinner or the name of the assignor, if different from
12 the prizewinner.

13 2. The assignor's social security number if the assignor is an individual, or
14 federal income tax identification number if the assignor is an organization.

15 3. The name of the individual or organization to whom part or all of the lottery
16 prize is assigned.

17 4. The social security number of the individual or the federal income tax
18 identification number of the organization to whom part or all of the lottery prize is
19 assigned.

20 5. If part or all of the lottery prize is assigned to an individual, the citizenship
21 of the individual. If the individual is not a citizen of the United States of America,
22 the order shall include the individual's resident alien number.

23 6. The number of assigned lottery prize payments and the dates on which the
24 assigned lottery prize payments are to begin and end.

25 7. The amount of each of the lottery prize payments that are assigned.

